

**UNITED STATES DISTRICT COURT**  
**Northern District of California**

McFarland,

07-03953 PJH

Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE  
WITH COURT ORDER**

v.

Guardsmark, LLC,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.

6  
7  
8 Dated: October 25, 2007

9 RICHARD W. WIEKING  
Clerk

10 by: Timothy J. Smagacz

11 

12 ADR Administrative Assistant  
13 415-522-4205  
Tim\_Smagacz@cand.uscourts.gov

## PROOF OF SERVICE

Case Name: McFarland v. Guardsmark, LLC

Case Number: 07-03953 PJH

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On October 25, 2007, I served a true and correct copy of:

### **Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Daniel H. Qualls  
Qualls & Workman  
244 California Street  
Suite 410  
San Francisco, CA 94111  
qualls@qualls-workman.com

Martin D. Bern  
Munger Tolles & Olson LLP  
560 Mission Street  
Twentyseventh Floor  
San Francisco, CA 94105-2907  
bernmd@mto.com

Malcolm A. Heinicke  
Munger Tolles & Olson LLP  
560 Mission Street  
27th Floor  
San Francisco, CA 94105-2907  
heinickema@mto.com

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 25, 2007 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz

A handwritten signature in black ink, reading "Timothy Smagacz", written over a horizontal line.

ADR Administrative Assistant

415-522-4205

Tim\_Smagacz@cand.uscourts.gov